



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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WORKFORCE INVESTMENT NOTICE: 00-15 (Change 4)

TO: Workforce Investment Areas

FROM: John J. O'Hare, Administrator – Workforce Investment Office

SUBJECT: Workforce Investment Notice 00-15, Attachment C
Selective Service Registration – Failure to Register

DATE: March 16, 2006

1. **Purpose.** The purpose for the change is to provide updated guidance to Workforce Investment Act (WIA) grantees on applying the Selective Service Registration requirement for individuals who have failed to register with Selective Service.
2. **References.** Reference is made to WIN 00-15 Attachment C, which provides easy reference for Title I WIA Program Eligibility Criteria for Registration for adults, youth, and dislocated workers. The original issuance of WIN 00-15 Attachment C has been expanded to include guidance for processing clients that for whatever reason failed to register for Selective Service and can not now register because of age. A revised Attachment C is being provided to you that includes the change.

NOTE: For information on Selective Service regulations, please refer to the following:

- TEGL 4-89 (dated 03/19/90) – Application of Selective Service Registration Requirements in Section 504 of the Job Training Partnership Act (JTPA)
- TEIN 20-94 (dated 02/14/95) – Change in Selective Service Registration Status Information Letters
- TEGL 8-98 (dated 11/04/98) – Selective Service Registration

3. **Action Required.** Local areas are requested to widely distribute copies of this issuance to staff and **NetworkRI** partners within your local area.
4. **Inquires.** Questions concerning this issuance may be directed to me or staff members of the State Workforce Investment Office by e-mail mdemers@dlt.state.ri.us or by telephone at 462-8791.
5. **Expiration Date.** This WIN and the attachments will be updated as necessary to reflect amendments to WIA, changes in federal regulations, and new USDOL policy directives.
6. **Grievance/Appeal Procedures.** The WIA and its regulations provide a system for handling grievances, complaints, hearings, and appeal rights under WIA. The specific procedures to be followed are developed at the local and State levels in accordance with the provisions of the Act and the regulations at 20 CFR Part 652 Subpart F. Under WIA, the State is responsible for making sure that there is a process in place to handle WIA complaints/appeals at the local level. If a person does not receive a decision at the local level within 60 days of filing a complaint or grievance or is dissatisfied with the decision they receive, they have the right to request a review of their complaint by the State. Please note that under Federal rules, the State's decision is final.

ATTACHMENT C

SELECTIVE SERVICE REGISTRATION

In accordance with Section 189(h) of the Workforce Investment Act, which states that the Secretary shall insure that each individual participating in any program established under this Act, has not violated Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section.

WHO MUST REGISTER

Almost all male U.S. Citizens and male aliens living in the U.S., who are 18 through 25, are required to register with Selective Service. It's important to know that even though he is registered, a man will not automatically be inducted into the military. In a crisis requiring a draft, men would be called in sequence determined by random lottery number and year of birth. Then, they would be examined for mental, physical, and moral fitness by the military before being deferred or exempted from military service or inducted into the Armed Forces.

A chart of who must register is available on page five.

NON-CITIZENS

Some non-citizens are required to register. Others are not. Non-citizens who are not required to register with Selective Service include men who are in the U.S. on student or visitor visas and men who are part of a diplomatic or trade mission and their families. Almost all other male non-citizens are required to register, including illegal aliens, legal permanent residents, and refugees. The general rule is that if a male non-citizen takes up residency in the U.S. before his 26th birthday, he must register with Selective Service. For a more detailed list of which non-citizens must register, see Who Must Register for Selective Service Chart.

DUAL NATIONALS

Dual nationals of the U.S. and another country are required to register, regardless of where they live, because they are U.S. nationals.

HOSPITALIZED OR INCARCERATED MEN

Young men in hospitals, mental institutions, or prisons do not have to register while they are committed. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.

DISABLED MEN

Disabled men who live at home must register with Selective Service if they can reasonably leave their homes and move about independently. A friend or relative may help a disabled man fill out the registration form if he can't do it himself.

Men with disabilities that would disqualify them from military service still must register with Selective Service. Selective Service does not presently have authority to classify men, so even men with obvious handicaps must register now, and if needed, classifications would be determined later.

FULL-TIME MILITARY EXEMPTED FROM REQUIREMENT

Young men serving in the military on full-time active duty do not have to register. Those attending the service academies do not have to register. If a young man leaves the military before turning 26, he must register.

NATIONAL GUARD AND RESERVES

Members of the Reserve and National Guard not on full-time active duty must register.

CONSCIENTIOUS OBJECTORS

Men who would be classified as conscientious objectors if they were drafted must also register with Selective Service. If a draft begins and they are called, they would have the opportunity to file a claim for exemption from military service based upon their religious or moral objection to war.

For information on selective service regulations, please refer to the following:

- TEGL 4-89 (dated 03/19/90) – Application of Selective Service Registration Requirements in Section 504 of the Job Training Partnership Act (JTPA)
- TEIN 20-94 (dated 02/14/95) – Change in Selective Service Registration Status Information Letters
- TEGL 8-98 (dated 11/04/98) – Selective Service Registration

[Selective Service Telephone Verification No. \(847\) 688-6888; Internet Verification/Registration](#)

Copies of the above listed documents are available from the State Workforce Investment Office.

ATTACHMENT C

WHO MUST REGISTER FOR SELECTIVE SERVICE?

<u>CATEGORY</u>	<u>YES</u>	<u>NO</u>
All male U.S. citizens born on or after January 1, 1960, who are 18 but not yet 26 years old, except as noted below:	X	
<u>MILITARY-RELATED</u>		X*
Active duty military		X*
Men attending service academies, like the U.S. Air Force Academy		X*
Men attending the U.S. Coast Guard Academy		X*
Men attending the Merchant Marine Academy	X	
Men receiving Officer Training at The Citadel, North George College, Norwich University, and Virginia Military Institute		X*
Members of the National Guard or Reserves not on active duty	X	
Delayed Entry Program Enlistees	X	
Men who separate from active duty for any reason before they turn 26	X*	
Men rejected for enlistment for any reason before turning 26	X	
<u>ALIENS**</u>		X
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired visas (Forms I-94, I-95A), or those with Border Crossing Documents (Forms I-185, I-186, or I-444))		X
Permanent resident aliens	X	
Special (seasonal) agricultural workers (Form I-688)	X	
Special agricultural workers (Form I-688A)		X
Refugee, parolee, and asylum aliens	X	
Undocumented (illegal) aliens	X	
<u>CONFINED</u>		X*
Incarcerated, hospitalized, or institutionalized for medical reasons		X*
<u>HANDICAPPED PHYSICALLY OR MENTALLY</u>		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

* MUST register within 30 days of release unless already age 26 or already registered when released, or exempt during entire period age 18 through 25.

ATTACHMENT C

**** Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when their address is permanent in the United States. Habitual residence is presumed whenever a national or a citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.**

Men Who Fail to Register

Men can not register after reaching age 26. According to law, a man must register with Selective Service within 30 days of his 18th birthday. The Selective Service System will accept late registrations but not after a man has reached age 26.

Some men may have failed to register during the time they were eligible to do so, and now find they are ineligible for certain benefits. If a male has passed his 26th birthday and did not register, he may be denied eligibility for federal student financial aid, federal job training, or federal employment, or may have difficulty obtaining U.S. citizenship because he failed to register.

A male who applies to a RI One-Stop Center for WIA services, has the following recourse available to him to rectify his situation: explain to the official handling his case (for example, the Program Administrator or his/her designee) the reason for his failure to register with Selective Service.

A non-registrant may not be denied any benefit if he can “show by a preponderance of the evidence” that his failure to register was not knowing and willful. The WIA applicant needs to offer as much evidence supporting his case, and as much detail, as possible to the awarding agency.

If a man did *not* register with Selective Service, and is now over age 26, he may be ineligible for certain federal or state programs and benefits, including U.S. citizenship. The Rhode Island Department of Labor & Training requires any male who has failed to register with Selective Service to provide an official response from the Selective Service indicating if he was or was not required to register.

To receive an official response letter from the Selective Service System, a man must call 1-847-688-6888. A man may also send a written request to the Selective Service System at P.O. Box 94638, Palatine, IL 60009-4638, and ask for a “Status Information” letter.

A WIA applicant, who has failed to register, will have to describe in detail, the circumstances he believed prevented him from registering and provide copies of documents showing any periods when he was hospitalized, institutionalized, or incarcerated occurring between his 18th and 26th birthdays to Selective Service. If a man is a non-citizen, he may be required to provide documents that show when he entered the United States. The WIA applicant’s request for a “Status Information” letter from Selective Service, must include the man’s name, Social Security Number, date of birth, and return address,

The awarding agency (Workforce Investment Area) and not the Selective Service will determine whether a man has shown that his failure to register was not a knowing and willful failure to register. The awarding agency shall make the decision on client eligibility.

**** Men born from March 29, 1957 to December 31, 1959 were never required to register because the registration program was not in operation at the time they turned 18. The requirement to register was reinstated in 1980 and applies to all men born on or after January 1, 1960.***